

REMARKS

Claims 19-26 and 28-33 remain in the application.

The Office Action indicates that the oath or declaration is defective and that a new oath or declaration is required. The applicant maintains that the declaration is acceptable and that the Office should not require the applicant to prepare and obtain execution of a new declaration. In support, the applicant encloses a response under Rule 312 setting forth the reasons why applicant's originally filed declaration should be accepted.

The Office Action objects to the disclosure over a number of informalities. In response, the applicant thanks the examiner for his attention to detail, has amended the specification to deal with the informalities noted in the Action, and has further amended the specification to provide internal consistency and additional clarity.

The Office Action objects to the specification for failing to provide proper antecedent basis for subject matter recited in claim 25. The Office Action also rejects claim 25 under 35 U.S.C. 112, first paragraph, for an incongruity of language between the description in the claims and the disclosure in the specification, which, according to the Action, fails to comply with the written description requirement. The applicant has amended claim 25 accordingly.

The Office Action rejects claims 19-26 and 28-33 under 35 U.S.C. 112, second paragraph, for being indefinite. The applicant has amended the claims to address the issues that gave rise to these rejections.

The Office Action rejects claims 19, 26, 28-30, and 32 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,505,737 to Sherman. The applicant thanks the Examiner for clearly setting forth the Examiner's interpretation of the Sherman patent. In response, the applicant notes that Claim 19 recites, among other things, that an "intermediate panel attaches to the carriage panel along a boundary that is parallel to and

axially offset from the connection between the first and second panels.” The applicant intended this portion of the claim to clearly set forth that the hinge (that is now circled and designated “A” in the enclosed copy of Figure 9 labeled “ATTACHMENT 1”) is offset from the hinge that is circled and designated “B” along the direction “C” (as marked on the same enclosed copy of Figure 9 labeled “ATTACHMENT 1”). Apparently, the Examiner has, instead, construed claim 19 as describing the offset as occurring along a direction perpendicular to direction C. Accordingly, the applicant has amended Claim 19 to more clearly indicate that this is not the case. More specifically, the applicant has amended Claim 19 to further define the interconnection between various parts of the blank, and has included reference to corresponding features of a CD case made using the blank. The blank shown in Figure 9 of the application folds to produce the CD case shown in Figures 1 to 4. The description discusses the existence of the first and second hinge regions 6 and 16, and this terminology has been used in Claim 19, but with the simplification that Claim 19, as amended, recites hinges rather than hinge regions. Thus the connection between the first and second panels is made by a first hinge, whereas the connection between the intermediate panel and the carriage panel is made by a second hinge. These hinges are described within the body of the specification (see WO2004/015710 from which this application is derived) page 6, lines 18 and 19; or at page 7, lines 9 to 17. Thus this amendment includes no new matter. The specification also discloses - both in the text and the accompanying figures - that the hinges are *laterally* offset from one another. The applicant has therefore amended claim 19 to indicate that the second hinge is parallel to and *laterally* offset from the first hinge. The applicant contends that this feature is not shown in the Sherman patent since the relevant connection regions shown in that patent are substantially *axially* aligned.

The applicant maintains that the CD packaging system disclosed in the Sherman patent simply does not achieve the same objective or have the same functionality as the invention of claim 19. Furthermore, none of the prior art of record teaches or suggests the formation of a blank that can be assembled into the finalized product with so few folds or folds suitable for automation.

The Office Action rejects claims 23 and 34 under 35 U.S.C. 102(b) as being anticipated by Feigelman (US 2,706,037). In response, the applicant maintains that Feigelman does not anticipate claim 23 because claim 23 depends from an allowable base claim. As regards the rejection of Claim 34 on the same grounds, the applicant has cancelled claim 34.

The Office Action rejects claims 20-22, 24, and 35 under 35 U.S.C. 103(a) as being unpatentable over either Sherman ('737) or Feigelman in view of Kleinfelder (US 5,647,482). In response, the applicant maintains that claims 20 to 22, and 24 are now allowable because they depend from an allowable base claim. The applicant has cancelled Claim 35.

The Office Action rejects claim 31 under 35 U.S.C. 103(a) as being unpatentable over Sherman ('737) in view of Wharton (6,557,700). In response, the applicant maintains that claim 31 is now allowable by virtue of being dependent on an allowable independent claim.

In response to the objection, set forth in paragraph 14 of the Office Action, to claim 25 not correlating to disclosed structure, the applicant has amended claim 25 to improve its clarity. Referring to Figure 6, please note that the limitations of claim 25 may be correlated to structures identified by reference numerals in the drawings as follows: Front panel 2, intermediate second panel 60 (intermediate element), rear panel 4, first hinge 6, second hinge 66, third hinge 64, first protective region 8', second protective region 8, first carriage 14', second carriage 14. The applicant maintains that, with this amendment, there now exists an element for element concordance between the limitations of claim 25 and structures shown in Figure 6.

To maintain conformity with the revised portions of the specification, the applicant submits with this response an amended Fig. 9, as shown in the enclosed replacement Figure 9 accompanying this Response. The changes to Figure 9 include

replacing reference numeral 2 with 2a, 4 with 4a, and 14 with 14a. The applicant maintains that, as amended, Fig. 9 is in acceptable form.

The Office Action indicates that the applicant must elect a single species that the claims will be restricted to if no generic claim is finally held to be allowable. In response the applicant elects species 1. The claims readable on this elected species are claims 19-24, 26, and 28-33.

Claims 19-26 and 28-33 recite patentable subject matter and are allowable. Therefore, the Applicant respectfully submits that the application is now in condition for allowance and respectfully solicits such allowance. Please favorably reconsider the outstanding Office Action.

I authorize the Assistant Commissioner to charge any deficiency, or credit any overpayment in connection with this communication, to Deposit Account No. 50-0852. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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